



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Washington State Department of Agriculture

☒ Permanent Rule
☐ Emergency Rule

Effective date of rule:

Permanent Rules

☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: Amendments were made to Chapter 16-89 WAC to clarify when scrapie identification is required, update testing requirements, and correct references to federal documents. This chapter underwent scheduled internal review under the department's regulatory improvement process, and at that time, it was decided to improve the readability and clarity of the rule and to change the title to "Sheep and Goat Diseases in Washington State" to broaden the scope of the chapter.

Citation of existing rules affected by this order:

Repealed: 16-89-005, 16-89-025, 16-89-040, 16-89-050, 16-89-060, 16-89-070, 16-89-080, 16-89-110

Amended: 16-89-010, 16-89-015, 16-89-022, 16-89-030, 16-89-090, 16-89-100

Suspended:

Statutory authority for adoption: RCW 16.36.040 and chapter 34.05 RCW

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 08-09-051 on April 14, 2008 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: June 18, 2008

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 18, 2008

TIME: 11:54 AM

WSR 08-13-100

NAME (TYPE OR PRINT)

Robert W. Gore

SIGNATURE

Mary A. Martin-Landry for
TITLE
Acting Director

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>1</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>5</u>	Amended	<u>6</u>	Repealed	<u>8</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>5</u>	Amended	<u>5</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Chapter 16-89 WAC

SHEEP AND GOAT ((SCRAPIE)) DISEASES ((CONTROL)) IN WASHINGTON STATE

AMENDATORY SECTION (Amending WSR 02-24-042, filed 12/3/02, effective 1/3/03)

WAC 16-89-010 Definitions. ~~((For the purposes of))~~ In addition to the definitions found in RCW 16.36.005, the following definitions apply to this chapter:

~~((1)) "Director" means the director of agriculture of the state of Washington or his or her duly authorized representative.~~

~~((2)) "Department" means the Washington state department of agriculture.~~

~~((3)) "Blackface sheep" means any purebred Suffolk, Hampshire, Shropshire purebred sheep of unknown ancestry with a black face, except for hair sheep.~~

~~((4)) "APHIS" means the United States Department of Agriculture, Animal and Plant Health Inspection Service.~~

"Department" means the Washington state department of agriculture.

"Director" means the director of agriculture or the director's authorized representative.

"Flock" means a number of animals of sheep or goat species ((which)) that are kept, fed and herded together ((having)), and have single or multiple ownership. The term "flock" ((shall be)) is interchangeable with the term "herd" and ((shall apply)) applies to purebred and commercial sheep and goats.

~~((5)) "Washington flock identification number" means a unique flock identification number assigned to the owner or owners of each flock of blackface breeding sheep in the state of Washington.~~

((6)) "High risk animal" means any female genetically susceptible exposed animal. The female offspring of a scrapie-positive female animal or any female genetically less susceptible exposed animal that the designated scrapie epidemiologist (with the concurrence of the USDA area veterinarian in charge, state veterinarian, regional scrapie epidemiologist, and National Scrapie Program coordinator) determines to be a potential risk based on the epidemiology of the flock, including genetics of the positive sheep, the prevalence of scrapie in the flock, any history of recurrent infection, or other characteristics.

"Official ((individual)) identification" means ((the unique

~~identification of individual animals with an alphanumeric number applied as a tamper proof tag, tattoo, electronic device, or other tag approved by USDA or the director. The Washington flock identification number can serve as the official individual identification number if it contains a unique individual animal number in addition to the flock number))~~ an identification mark or device approved by APHIS for use in the scrapie eradication program. Examples include, but are not limited to, electronic devices, official ear tags, and legible official registry tattoos.

~~((7))~~ "Scrapie" means a transmissible spongiform encephalopathy that is a fatal, nonfebrile, transmissible, insidious, degenerative disease affecting the central nervous system of sheep and goats.

~~((8))~~ "Scrapie exposed animal" means any animal ~~((, which))~~ that has been in the same flock at the same time within the previous sixty months as a scrapie positive animal, excluding limited contacts, as identified in the Scrapie Eradication Uniform Methods and Rules, effective June 1, 2005. ~~((Limited contacts are contacts between animals that occur off the premises of the flock and do not occur during or up to sixty days after parturition for any of the animals involved. Limited contacts do not include commingling or transportation to other flocks for the purposes of breeding. Examples of limited contacts include incidental contact in the show/sales ring. (See Appendix III of USDA's Voluntary Scrapie Flock Certification Program.)~~

~~(9)~~ "Scrapie high risk animal" means an animal determined by epidemiologic investigation to be a high risk for developing clinical scrapie because the animal was the progeny of a scrapie-positive dam, was born in the same contemporary lambing group as a scrapie-positive animal or was born in the same contemporary lambing group as progeny of a scrapie-positive dam. Based upon evidence from the latest research information available and upon recommendation of the state scrapie certification board, animals that fit the criteria for high risk animals may be exempted by the director as high risk animals if they are determined by genetic testing to be QR or RR at the 171 codon or are determined by other recognized testing procedures to pose no risk.

~~(10)~~ "Scrapie infected flock" means any flock in which a scrapie-positive animal has been identified by a state or federal animal health official.

~~(11)~~ "Scrapie positive animal" means an animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, USDA, laboratories accredited by the American Association of Veterinary Laboratory Diagnosticians (AAVLD) or another laboratory authorized by state or federal officials to conduct scrapie tests through histological examinations of central nervous system or by other diagnostic procedures approved for scrapie diagnosis by USDA. Animals diagnosed by experimental tests for abnormal prion will not be considered infected animals for the purposes of this rule.

~~(12)~~ "Scrapie source flock" means a flock in which an animal was born and subsequently diagnosed as scrapie-positive at less than fifty-four months of age.

~~(13))~~ "Scrapie Flock Certification Program" means a national voluntary program for classification of flocks relative to scrapie. "USDA" means the United States Department of Agriculture.

SCRAPIE

AMENDATORY SECTION (Amending WSR 02-24-042, filed 12/3/02, effective 1/3/03)

WAC 16-89-015 Scrapie program standards. ((Scrapie Eradication, State-Federal-Industry, Uniform Methods and Rules dated October, 2001,)) (1) In addition to the rules adopted in this chapter, the Washington state department of agriculture adopts the procedures and methods of the Scrapie Eradication Uniform Methods and Rules, effective June 1, 2005, and Control of Scrapie ((in Sheep and Goats)), Title 9, Code of Federal Regulations, Part ((s)) 54 and Scrapie in Sheep and Goats, Part 79 as revised ((August 21, 2001, are adopted by reference as the basic standards for the scrapie control and eradication program in Washington state)) January 1, 2006. Copies of these documents are on file at the Washington Department of Agriculture, Animal Services Division ((of Food Safety/Animal Health)), 1111 Washington Street, Olympia, Washington 98504 and are available ((on request)) for public inspection.

(2) The Scrapie Eradication Uniform Methods and Rules may be found on the internet at:
http://www.aphis.usda.gov/animal_health/animal_diseases/scrapie/downloads/umr_scrapie.pdf.

(3) Title 9 CFR, Parts 54 and 79 may be found on the internet at:
http://www.access.gpo.gov/nara/cfr/waisidx_06/9cfrv1_06.html.

AMENDATORY SECTION (Amending WSR 02-24-042, filed 12/3/02, effective 1/3/03)

WAC 16-89-022 Scrapie identification of sheep and goats. (1) ((Effective January 1, 2003, all sheep and goats of any age not in slaughter channels upon any change of ownership or intrastate movement must be officially identified as defined in 9 CFR Parts 54 and 79 and any sheep or goat over eighteen months of age as

~~evidenced by eruption of the second incisor identified such that the animal may be traced to its flock of birth except:~~

~~(a) Commercial goats in intrastate commerce that have not been in contact with sheep as there has been no case of scrapie in a commercial goat in the past ten years that originated in the state of Washington or attributed to exposure to infected sheep and there are no exposed commercial goat herds in the state of Washington.~~

~~(b) Commercial whitefaced sheep or commercial hair sheep under eighteen months of age in intrastate commerce as there has been no case of scrapie in this exempted class that originated in the state of Washington in the last ten years and there are no exposed commercial whitefaced or hair sheep flocks in the state that have been exposed by a female animal.~~

~~(2) The exemptions granted in subsection (1)(a) and (b) of this section will be void after ninety days if the conditions in subsection (1)(a) and (b) of this section no longer exist.)) All sheep that are placed into commerce must have official scrapie program identification.~~

(2) All goats that are commingled with or exposed to sheep must have official scrapie program identification.

Exemptions

(3) Official scrapie program identification is not required for:

(a) Sheep or goats less than eighteen months of age that are moving directly to a slaughter facility or to an approved terminal feedlot;

(b) Wether goats and low-risk commercial goats (goats that are not registered or exhibited; goats that are not used for milk production; and goats that have not commingled with or have not been exposed to high-risk animals);

(c) Sheep or goats that do not enter commerce and never leave their premises of origin;

(d) Sheep or goats moved for grazing or other management purposes without change of ownership.

AMENDATORY SECTION (Amending WSR 02-24-042, filed 12/3/02, effective 1/3/03)

WAC 16-89-030 Quarantine. ((Infected and source flocks or flocks that have received high risk animals must be placed and held under quarantine until the infected or high risk animals have been depopulated or the flock has qualified for and has been enrolled in the Scrapie Flock Certification Program (9 CFR Part 54, Subpart B). Flocks not participating in the certification program will remain under quarantine until the entire flock has been slaughtered or depopulated. Infected or high risk animals must be destroyed by means other than by slaughter under the direction of the state veterinarian.)) Sheep or goats that are infected or suspected of

being infected with an infectious or communicable disease after a positive official test, or other probable cause as determined by the director, will be quarantined as provided under RCW 16.36.010. If owners refuse to allow the department to test for diseases provided for in this chapter, all sheep and goats on the premises will be regarded as a menace to the health of livestock, and the premises on which they are kept will be immediately quarantined and no animals or products of these animals may be removed from the premises.

AMENDATORY SECTION (Amending WSR 99-09-026, filed 4/15/99, effective 5/16/99)

WAC 16-89-090 ~~((Condemnation and))~~ Destruction and disposal of scrapie infected animals or flocks. ~~((Animals))~~ (1) As provided for under RCW 16.36.090, the director may order the slaughter or destruction of animals or flocks determined by the director or representatives of USDA to be infected with scrapie ~~((may be condemned and destroyed by order of the director))~~.

(2) The disposal of condemned scrapie infected animals and flocks will be under the direction of the director and the means of disposal will be other than by offering for human or animal consumption.

AMENDATORY SECTION (Amending WSR 02-24-042, filed 12/3/02, effective 1/3/03)

WAC 16-89-100 Indemnification. (1) As provided for under RCW 16.36.096, subject to the availability of amounts appropriated for this specific purpose, owners, individuals, partnerships, corporations or other legal entities whose animals ~~((or flocks))~~ have been slaughtered or destroyed ~~((or otherwise disposed of))~~ by order of the director may be eligible for indemnification in ~~((the form of cash payment for part of the value of the animals destroyed or otherwise disposed of and for reasonable actual costs for burial or disposal of animal carcasses))~~ an amount not to exceed seventy-five percent of the appraised or salvage value of the animal ordered slaughtered or destroyed.

(2) Indemnity payments will be paid only to an owner of sheep or goats that were born in the state of Washington or were imported into the state in compliance with existing Washington state statutes and rules. Payment of indemnity does not apply to animals belonging to the federal government or any of its agencies, this state or any of its agencies, or any municipal corporation.

Indemnity may not be paid on animals eligible for federal indemnity payments.

~~((3) The amount of indemnity to be paid for each animal will be determined by the state veterinarian and will not exceed seventy-five percent of the appraised value of the animal up to the following maximum amounts:~~

~~(a) Ewes or does one year of age or older -- three hundred dollars per head.~~

~~(b) Rams or bucks one year of age or older -- six hundred dollars per head.~~

~~(c) Lambs or kids under one year of age -- one hundred twenty-five dollars per head.~~

~~(4) In addition to the indemnity payments authorized in subsection (3) of this section, owners who voluntarily destroy rams found to be genetically prone to scrapie will be paid up to twenty-five dollars of the laboratory diagnostic fee.))~~

BRUCELLOSIS

NEW SECTION

WAC 16-89-150 Brucellosis testing for sheep and goat dairies.

(1) All sheep and goats whose raw milk or raw milk products are offered for sale must be from a flock or herd that is negative to a serological test for brucellosis within the previous twelve months. Any additions to the flock or herd must be tested negative for brucellosis within thirty days before introduction into the flock or herd.

(2) All raw milk and raw milk products from animals that test positive for brucellosis are prohibited from sale and must be destroyed.

(3) All sheep and goats whose raw milk or raw milk products are offered for sale must have official identification.

NEW SECTION

WAC 16-89-160 Brucellosis quarantine and release. (1) Any herd of goats in which brucellosis reactors are found will be quarantined. Positive or reactor classification shall be based on standards listed in USDA Brucellosis Eradication Uniform Methods

and Rules, effective October 1, 2003. The department maintains a copy of this document for public inspection. You may also find the information on the internet at: www.aphis.usda.gov/animal_health/animal_diseases/brucellosis/downloads/umr_bovine_bruc.pdf.

(2) The quarantine will be released when the entire quarantined herd has passed two consecutive negative blood tests without reactors. The first test must be not less than thirty days following removal of all reactors from the herd. The second test must not be less than ninety days nor more than one year following the date of the previous test.

(3) Goats that test positive to the brucellosis test must not be sold or offered for sale except for immediate slaughter.

(4) Quarantined goats may only be moved when accompanied by an official USDA form number VS1-27.

Q FEVER

NEW SECTION

WAC 16-89-170 Q fever testing requirements for sheep and goat dairies. (1) All sheep and goats whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative for Q fever within the previous twelve months. Q fever is caused by the coccobacillus *Coxiella burnetii* and is highly infectious to humans.

(a) Any additions to the herd must be tested negative for Q fever within thirty days before introduction into the herd.

(b) Herds must be tested negative annually to maintain the dairy's raw milk license.

(c) The state veterinarian shall direct all testing procedures in accordance with state and federal standards for animal disease eradication.

(d) All raw milk and raw milk products from animals that test positive for Q fever are prohibited from sale and must be destroyed or pasteurized.

(2) All sheep and goats whose raw milk or raw milk products are offered for sale must have official identification.

TUBERCULOSIS

NEW SECTION

WAC 16-89-180 Tuberculosis testing for goat dairies. (1) All goats whose raw milk or raw milk products are offered for sale must be from a herd that has tested negative for tuberculosis within the previous twelve months. Any additions to the herd must be tested negative for tuberculosis within sixty days before introduction into the herd.

(2) All raw milk and raw milk products from animals that test positive for tuberculosis are prohibited from sale and must be destroyed.

(3) All goats whose raw milk or raw milk products are offered for sale must have official identification.

NEW SECTION

WAC 16-89-190 Tuberculosis quarantine and release. (1) Any herd of goats in which tuberculosis reactors are found will be quarantined. The sale or removal of any animal out of a quarantined herd is prohibited except for removal for immediate slaughter.

(2) Herds in which no gross lesions reactors occur and in which no evidence of *Mycobacterium bovis* infection has been disclosed may be released from quarantine after a sixty-day negative caudal fold tuberculosis retest of the entire herd. Herds containing one or more suspects to the caudal fold tuberculosis test will be quarantined until the suspect animals are:

(a) Retested by the comparative-cervical tuberculosis test within ten days of the caudal fold injection; or

(b) Retested by the comparative-cervical tuberculosis test after sixty days and the tuberculosis status of the suspect has been determined; or

(c) Shipped under permit directly to slaughter in accordance with state or federal laws and regulations and the tuberculosis status of the suspect has been determined.

(3) Herds in which *Mycobacterium bovis* infection has been confirmed and the herd has not been depopulated will remain under quarantine and must pass two tuberculin tests at intervals of at least sixty days and one additional test after six months from the previous negative test. Following the release from quarantine, these herds will also be subject to five annual tests on the entire herd.

NEW SECTION

The following sections of the Washington Administrative Code are decodified as follows:

Old WAC number	New WAC number
WAC 16-89-030	WAC 16-89-012
WAC 16-89-100	WAC 16-89-013

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-89-005	Purpose.
WAC 16-89-025	Recordkeeping.
WAC 16-89-040	Restriction of exposed animals.
WAC 16-89-050	Scrapie source flocks.
WAC 16-89-060	Movement and disposition of restricted animals.
WAC 16-89-070	Importation of exposed, suspect and high risk animals.
WAC 16-89-080	Reporting scrapie.
WAC 16-89-110	Cleaning and disinfection.